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| 10/577,400   | 04/27/2006  | Masahiro Chiba       | 0033-1079PUS1       | 1250             |
| 2292   | 7590        | 03/08/2011           | EXAMINER            |                  |
| BIRCH STEWART KOLASCH & BIRCH<br>PO BOX 747<br>FALLS CHURCH, VA 22040-0747 |             |                      |                     | TIV, BACKHEAN    |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
| 2451   |             |                      |                     |                  |
| NOTIFICATION DATE  |             |                      | DELIVERY MODE       |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/577,400             | CHIBA ET AL.        |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | BACKHEAN TIV           | 2451                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 16 February 2011.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 45-63 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 45-63 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No.(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

***Detailed Action***

Claims 45-63 are pending in this application. Claims 1-44 were cancelled on 4/27/06.. This is a response to the Remarks filed on 2/16/11. This action is made **FINAL.**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 45-55,58-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 7,246,313 issued to Sung et al.(Sung) in view of US Publication 2004/0181550 issued to Warsta et al.(Warsta).

As per claim 45, Sung teaches a data processing device comprising: an obtaining unit configured to obtain first data including a plurality of items of information including document creation supporting information for guiding a user in inputting at least one of text, image, sound, and movie to be included in message data(col.7, lines 10-58), and document browsing information for presenting the document data for a user's perception; and a document editing and creating unit configured to edit the document browsing information included in the first data based on the information included in said document creation supporting information among said plurality of items of the information included in said obtained first data(Fig.3-4,7,col.7, lines 10-58),

wherein each of said plurality of items of the information included in said first and second data is a component of one or both of said message creation supporting information and said message browsing information(Fig.3-4,7, col.7, lines 10-58).

Sung however does not teach a message and said message editing and creating unit also configured to create second data including the plurality of items of the information forming said message creation supporting information and said edited message information.

Warsta, teaches creation of messages(para.002) and said message editing and creating unit also configured to create second data including the plurality of items of the information forming said message creation supporting information and said edited message information(Fig.5, para.004, creation to another format, e.g. second data).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Sung to include the creation of messages and a second data as taught by Wartsa in order to efficiently adapt multimedia messages (Wartsa, para.001).

One ordinary skill in the art would have been motivated to combine the teachings of Sung and Wartsa in order to efficiently adapt multimedia messages (Wartsa, para.001).

As per claim 46, the data processing device according to claim 45, wherein said first data is the message data, and includes one or more media data being a component of said message browsing information, said message creation supporting information includes information specifying editable media data among said one or more

media data, and said message editing/creating unit accepts the editing of the specified editable media data among said one or more media data by using said message creation supporting information(Sung, Fig.3-4,7,col.7, lines 10-58).

As per claim 47, the data processing device according to claim 45, wherein said first data is data described with tags, said tags include a tag indicating that an item of information is a component of said message creation supporting information, and said message editing and creating unit determines which item of the information is included in said message creation supporting information included in said first data based on the tag indicating that an item is a component of said message creation support information(Sung, Fig.3-4,7,col.7, lines 10-58).

As per claim 48, the data processing device according to claim 45, wherein said first data is data described with tags, said tags include a tag indicating that an item of information is other than a component of said message creation supporting information, and said message editing and creating unit determines which item of information is included in said message creation supporting information included in said first data based on the tag indicating that an item is other than a component of said message creation support information(Sung, Fig.3-4,7,col.7, lines 10-58).

As per claim 49, the data processing device according to claim 45, wherein said first data includes component information identifying the information included in said first data and forming the component of said message creation supporting information, or identifying the information included in said first data and forming the component of said message browsing information, and said editing and creating unit determines the

information including said message creation supporting information included in said first data based on said component information(Sung, Fig.3-4,7,col.7, lines 10-58).

As per claim 50, the data processing device according to claim 49, wherein said component information is included in a header area of said first data(Sung, Figs.3-4,7, Warsta, Fig.4-5), and said message editing and creating unit determines the information including said message creation supporting information included in said first data based on the component information included in the header area of said first data(Sung, Figs.3-4,7, Warsta, Fig.4-5).Motivation to combine set forth in claim 45.

As per claim 51, the data processing device according to claim 45, further comprising: a communication unit for transmitting said second data(Warsta, Fig.1). Motivation to combine set forth in claim 45.

As per claim 52, the data processing device according to claim 45, wherein said obtaining unit receives said first data from an external data processing device(Warsta, Fig.6, 7). Motivation to combine set forth in claim 45.

As per claim 53, the data processing device according to claim 45, wherein said first data includes media data being the component of said message browsing information(Sung, Fig.3-4,7,col.7, lines 10-58) said message creation supporting information includes information representing a function of an external device started for editing said media data, and said message editing and creating unit edits the media data included in said message browsing information by accessing the external device based on said message creation supporting information and by utilizing the function

provided from said external device(Warsta, Fig.6, 7). Motivation to combine set forth in claim 45.

As per claim 54, the data processing device according to claim 45, wherein said message creation supporting information includes information designating a provider providing data or function for assisting editing of the information including said message browsing information in the information included in said first data, and said message editing and creating unit receives said data or said function for the editing assistance by accessing said provider according to the information designating said provider in said message creation assisting information, and performs a part or all of the editing of said message browsing information(Sung, Fig.3-4,7,col.7, lines 10-58).

As per claim 55, the data processing device according to claim 45, wherein said first data is the message data, and said message editing and creating unit creates said second data including, as a part or the whole of said message creation supporting information, information designating a provider of template data defining structure of said message data(Sung, Fig.3-4,7,col.7, lines 10-58, Wartsta, para.0030). Motivation to combine set forth in claim 45.

As per claims 58-63, do not teach or further define over the limitations in claims 45-55. Therefore claims 58-62 are rejected for the same reasons set forth above.

Claims 56,57 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 7,246,313 issued to Sung et al.(Sung) in view of US Publication

2004/0181550 issued to Warsta et al.(Warsta) in view of US Patent 6,993,553 issued to Kaneko et al.(Kaneko).

As per claim 56, Sung in view of Warsta does not explicitly teach the data processing device according to claim 45, wherein said first data is message data, said message creation supporting information includes an ID designating template data used creating said message data, said data processing device further comprises a storing unit storing the obtained template data and the IDs designating said template data in a corresponding fashion, and said message editing/creating unit reads from said storing unit said template data corresponding to the ID designating said template data in said message creation supporting information, and performs a part or the whole of the edition of said message browsing information using said read template data.

Kaneko teaches the data processing device according to claim 45, wherein said first data is message data, said message creation supporting information includes an ID designating template data used creating said message data, said data processing device further comprises a storing unit storing the obtained template data and the IDs designating said template data in a corresponding fashion, and said message editing/creating unit reads from said storing unit said template data corresponding to the ID designating said template data in said message creation supporting information, and performs a part or the whole of the editing of said message browsing information using said read template data(col.12, lines 41-50, col.17, lines 54-67).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Sung in view of Warsta to include ID designated

template data as taught by Kaneko in order to organize data and for ease of locating a specific data.

One ordinary skill in the art would have been motivated to combine the teachings of Sung, Warsta, and Kaneko in order to organize data and for ease of locating a specific data.

As per claim 57, the data processing device according to claim 45, wherein said first data is message data, said message creation supporting information includes an ID designating the template data used creating said message data, said message editing/creating unit transmits an ID designating said template data in said message creation supporting information to an external device, obtains said template data corresponding to said transmitted ID from said external device, and performs a part or the whole of the edition of said message browsing information using said obtained template data(Kaneko, col.12, lines 41-50, col.17, lines 54-67). Motivation to combine set forth in claim 56.

### ***Response to Arguments***

Applicant's arguments filed 2/16/11 have been fully considered but they are not persuasive.

The applicant argues in substance,

- a) Warsta does not teach a message editing and creating unit as recites in claim 45,
- b) the combination of the prior art is improper.

***In reply to a);*** The claim requires the message creation support information to be information for guiding a user in inputting at least one of text, image, sound, movie, and the message browsing information for presenting the message data for a user's perception; further teaches the message editing and creating unit, which is taught by Sung, Fig.3-4, 7, col.7, lines 10-58.

Warsta, Fig.5,para.0002,0004, teaches conversion from a first format to another format, which is interpreted as the second data, images are reduced and or adapted to fit the receiver device, which includes the support information and the message browsing information, even though, the images are reduced, it is still recognizable for display, which is similar the specification, page 23, of creating a message for display to fit the receiver side device. The combination of the Sung in view of Warsta, teaches the message editing and creating unit for the second data.

***In reply to b);*** The methodology of Warsta is being applied to Sung, to produce a second data for display to the receiver's device, the combination of Sung and Warsta, as required by the factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

In further, Warsta, para. 0001, provides motivation to combine the prior art, of efficiently adapt multimedia messages. Therefore by the standard as required by 103(a), the rejection is deemed to be proper.

### ***Conclusion***

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571) 272-5654. The examiner can normally be reached on M-F 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Backhean Tiv/  
Examiner, Art Unit 2451  
3/1/11

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2451